



R E P U B L I C O F C O L O M B I A

Colombia and the Universal Periodic Review

In April 2006, the United Nations created the Human Rights Council. The constitutive resolution of the Council established the Universal Periodic Review (UPR), a tool for systematically analyzing respect for human rights in all countries of the world. Each of the 192 member-states of the UN is reviewed at least once every four years. The assessment process is conducted by each member-state with the coordination of the Human Rights Council.

Colombia volunteered for the UPR, to reiterate its commitment to international human rights standards.

To prepare for the UPR, Colombia formed an interinstitutional Committee, composed of delegates from the Presidential Program for Human Rights and International Humanitarian Law, the Ministry of Foreign Affairs, and the Ministry of the Interior and Justice. Delegates from the Presidential Program coordinated the process.

To complete the report, Colombia engaged in an extensive consultation process with state agencies and civil society. UPR guidelines were distributed to 31 state agencies. A total of 118 social organizations were invited to participate, as were 1,102 municipal public defenders throughout the country.

On September 1, 2008, Colombia submitted the report to the Human Rights Council. On December 10, of that year, Colombia presented the UPR report in a question and answer format, as a dialogue between its representatives and those of member-states.

Delegations from 43 countries participated in the discussion and made recommendations. Those 133 recommendations, together with voluntary commitments of Colombia, have been categorized and distributed to the public. Since the presentation, Colombia established a follow-up procedure; a periodic report evaluating its achievements as well as the challenges that remain.

The Government of Colombia has found the UPR to be a constructive exercise, reinforcing the national effort to encourage interinstitutional conversation and to promote human rights for its citizens.

Advances and Challenges

1. Transparency and Cooperation

Colombia maintains a policy of transparency related to human rights and regards its commitments under the UPR as a serious responsibility.

In response to a recommendation made during the UPR, the Government of Colombia invited four UN Special Rapporteurs to visit the country:

- Philip Alston, Rapporteur on Extra-judicial, Summary and Arbitrary Executions, visited in June 2009. During his visit he conducted interviews with members of different government branches and representatives of civil society. In his initial report he indicated that: (i) there had been a reduction in homicides of protected persons allegedly committed by members of law enforcement; and (ii) no evidence indicated that these homicides were conducted as part of an official government policy;
- James Anaya, Rapporteur on the Situation of the Human rights and Fundamental Freedoms of Indigenous People, visited in July 2009. In his official summary, he noted that he was “extremely concerned because the illegal armed groups, especially the FARC seem to completely disregard the human rights and IHL standards... these groups are largely responsible for the assassination of indigenous groups and other serious crimes disproportionately affecting indigenous populations”.
- Margaret Sekaggya, Rapporteur on the Situation of Human Rights Defenders, visited in September 2009. She met with different government agencies, civil society at local and national levels, and representatives of international organizations. Rapporteur Sekaggya “observed with special satisfaction” President Uribe’s September 17 statement that human rights defense is a “necessary and legitimate action for democracy.”
- Gabriela Carina Knaul de Albuquerque e Silva, Rapporteur on the Independence of Judges and Magistrates, visited in December 2009. Her agenda was coordinated with the Office of the UN High Commissioner for Human Rights in Colombia and included meetings with senior officials of government, judges of the high courts and civil society representatives, among others. She acknowledged that the Government of Colombia works to eliminate impunity and to “protect judges, lawyers, witnesses and victims”.

2. Maintaining Public Order and Combating Violence

A. Reduction of Violence

There is evidence of a reduction in violence: human rights violations have decreased and protection of the population has increased. At the same time, the campaign to end

impunity has been intensified and support for vulnerable populations and victims has been strengthened.

The Democratic Security Policy was designed to safeguard the full enjoyment of human rights in Colombia. As a result, there have been vast improvements in human rights of all Colombians since 2002:

	%Decrease	2002	2009
Homicides	55	28.837	15.817* ²
Kidnappings	93	2.882	214* ²
Terrorist Attacks	81	1.645	306

Source: President's Observatory for Human Rights

*1: including violence against union members

*2: the lowest homicide rate in 22 years

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B. Combating Criminal Gangs (BACRIM)

There has been a decrease of 82 percent in the number of criminal gangs; from 33 gangs in 2006 to seven in 2009. The National Police arrested 1,888 gang members between January and November 2009.

Every month National Police reports show the results of its effort against criminal gangs. The OAS Mission to Support the Peace Process in Colombia (MAPP/OAS) assists in the monitoring of this progress.

C. Advances in the Demobilization and Reintegration Policy

Between January and November 2009, 2,464 individuals presented themselves for demobilizing and reintegration. Of these, 1,977 belonged to FARC, 470 to ELN (National Liberation Army), and 17 to dissident organizations.

The High Counselor for Reintegration (HCR) has established programs to assist 33,338 such individuals. Thanks to these programs, between October 2007 and September 2009, 4,007 job offers were made to individuals. Of these, 1,022 offers were accepted.

D. Extrajudicial Executions

In September 2008, it was revealed that some members of the Armed Forces had been involved in the killing of civilians. The government's immediate and decisive action was unprecedented:

- In November 2008, The Ministry of Defense adopted 15 measures to strengthen the policies of this Ministry and the General Command of the Armed Forces related to human rights and the application of International Humanitarian Law (IHL) to military operations at the tactical, operational and strategic levels. These entail the areas of education, doctrine, intelligence, operations, management and disciplinary control, planning, command responsibility, cooperation with judicial authorities, and response to complaints.

- Seven televised hearings were conducted with the participation of the President of the Republic, the Minister of Defense and the General Commander of the Military Forces.
- A complaints office and telephone lines were established to allow the civilian population to report violations.
- Investigations in these cases are conducted by the UNHR Unit and the Nation's IHL Division at the Attorney General's Office. As of October 2009, almost 130 law enforcement members have been sentenced, more than 300 were tried and at least 800 had been implicated.

In January 2010, 32 members of the military accused of extrajudicial executions were released by several judges from preventive custody. Preventive custody is a personal protective measure affecting the right of personal liberty for a short period of time, aimed to keep the accused in custody if considered likely not to appear before trial. Although the criminal investigation continues, the 90 day period during which the accused soldiers could be imprisoned preventively has expired and the Attorney General's Office has not yet presented the case before the judge linking the soldiers to the alleged crimes in the frame of an oral trial.

Nonetheless, the President of Colombia, respectful of the autonomy of the Judiciary, has expressed his disappointment, stating: "releasing individuals prosecuted for the commission of serious crimes by reason of the expiration of terms (statue of limitations), affects democracy as much as releasing individuals prosecuted for crimes against humanity."

Although they were released from this preventive measure, the Ministry of Defense, as a precautionary measure, assigned all of these soldiers to military installations in Bogota so they can attend all judicial inquiries without delay and have no excuse to hinder the investigation. In any case, the investigation is still open and awaiting the case the Attorney General's Office is making against the soldiers to prove they are guilty beyond reasonable doubt, as with any other criminal investigation.

E. The Right of Access to Justice and to End Impunity

The Justice and Peace Law aims to facilitate the peace process, including reincorporation of members from illegal armed groups into civilian life, and ensuring the rights of victims to truth, justice and reparation; as of October 2009, 11,926 depositions have begun, with 1,219 completed.

This law seeks to reduce the time of conviction, in order to achieve several purposes: first to help with the demobilization process and peace building in Colombia. Second, to guarantee that the people involved in the demobilization process provide nothing but the truth to construct a process of reconciliation. Third, that they surrender their assets which will be invested to contribute to reparations for victims.

For this particular purpose the government has established the Victims Reparations Fund, funded with US\$14 million.

As October 2009, 269,000 victims were reported. The government established an administrative compensation program to set an expeditious process to guard the needs of victims. From July to October 2009, there were 4,394 compensation payments granted to 1,676 petitioners.

F. Investigations on Colombia's intelligence agency

In February 2009, weekly magazine *Semana* reported allegations of illegal wiretapping that the Administrative Security Department (DAS, in Spanish) – Colombia's intelligence agency – had conducted of some members of the judiciary, Congress, and the media, among others.

The Director of the DAS immediately notified and sent the information to the Technical Investigation Corps of the Attorney General's Office.

As October 2009, more than 73 DAS officials were discharged from their duties and a general rotation of DAS officials was carried out across the country. Furthermore, the retirement of more than 200 potential pensioners has been promoted and it is expected that another 500 will be retiring soon.

After an 8-month structural assessment on the DAS, the basis for the new Colombian Government Intelligence Agency has been set out (Law 1288 of 2009 and Decree 3600 of 2009). The single purpose of the new agency is to produce the intelligence and counterintelligence required to protect national security while respecting and protecting fundamental rights.

3. Vulnerable Populations

A. Defenders of Human Rights

On April 30, 2009, the National and Regional Audiences of Guarantees were established. These mechanisms facilitate dialogue between the national government and organizations with the purpose of generating trust among the different players and making progress toward fulfilling commitments. Since their launch, 11 regional and three national meetings have taken place.

Those mechanisms are permanently supported by the UNHCHR, the UNDP (technical secretariat) and the Embassies of Spain and Sweden.

B. Labor Unions

In June 2009, Colombia presented a report on its progress in protecting workers' rights before the Commission of ILO Standards in the framework of the 98th International Conference held in Geneva.

Colombia gained recognition as a case in progress within the framework of the last report issued by the Committee of Experts. This positive opinion was endorsed by the

delegations of the European Union, the United States, Canada and the International Organization of Employers, as well as the General Workers Confederation in Colombia (CGTD, in Spanish).

Colombia reasserts its unwavering commitment to overcome the challenges that remain as a result of the violence produced by corruption, illegal drug trafficking activities and the actions of illegal armed groups.

Likewise, the government of Colombia reaffirms its willingness to provide all required assistance for greater justice and progress towards fighting impunity. In this regard, Colombia expresses its gratitude for the support and cooperation it has received from the international community.

To continue moving toward full human rights for all inhabitants in its territory, Colombia calls on the international community to demand that illegal armed groups immediately cease their actions against the population and democratic institutions and that they put an end to their violent actions.

The Government's One Year report available on:
<http://colombiaemb.org/docs/EPU%20ENG.pdf>